

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT

JUL 23 2008

UNITED STATES OF AMERICA

- v. -

INDICTMENT

ROSHEED SHINABA,  
a/k/a "Richard Shinaba,"  
a/k/a "Jose Garcia,"  
a/k/a "Lee Pinto," and  
JERMAL REGULAR,  
a/k/a "Gregory Keathley,"

08 CRIM 682

Defendants.

COUNT ONE

The Grand Jury charges:

1. From in or about October 2006, up to and including on or about February 2008, in the Southern District of New York and elsewhere, ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," and JERMAL REGULAR, a/k/a "Gregory Keathley," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States.

2. It was a part and an object of the conspiracy that ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," and JERMAL REGULAR, a/k/a "Gregory Keathley," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did transfer, possess, and use, without

lawful authority, means of identification of other persons with intent to commit, and to aid and abet, and in connection with, unlawful activity that constitutes a violation of Federal law, in violation of Title 18, United States Code, Section 1028(a)(7).

3. It was further a part and an object of the conspiracy that ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," and JERMAL REGULAR, a/k/a "Gregory Keathley," the defendants, and others known and unknown, unlawfully, willfully, and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, and to obtain the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

4. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about August 29, 2007, ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," the defendant, entered the Wachovia Bank branch located at 143 Lenox Avenue, New York, New York, and deposited \$50.00 in cash into an account at that bank.

b. On or about November 5, 2007, JERMAL REGULAR, a/k/a "Gregory Keathley," the defendant, cashed five United States Postal Money Orders that were purchased using a debitcard linked to an account at Northwest Federal Credit Union.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

5. From on or about August 13, 2007, up to and including on or about November 16, 2007, in the Southern District of New York and elsewhere, ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," and JERMAL REGULAR, a/k/a "Gregory Keathley," the defendants, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the accounts of which are insured by the National Credit Union Shared Insurance Fund, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution by means of false and fraudulent pretenses, representations, and promises, to wit, SHINABA and REGULAR fraudulently obtained funds from the NorthWest Federal Credit Union by depositing two stolen convenience checks into an account they controlled at NorthWest Federal Credit Union ("Account-1") and withdrawing funds from Account-1.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT THREE

The Grand Jury further charges:

6. From on or about August 13, 2007, up to and including on or about November 16, 2007, in the Southern District of New York and elsewhere, ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, means of identification of another person, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constitutes a violation of Federal law and that constitutes a felony under State and local law, to wit, SHINABA opened Account-1 with the NorthWest Federal Credit Union using the name and Social Security Number of a person other than himself for the purpose of defrauding NorthWest Federal Credit Union.

(Title 18, United States Code, Sections 1028(a)(7) and (c)(3).)

COUNT FOUR

The Grand Jury further charges:

7. From on or about September 8, 2007, up to and including on or about November 16, 2007, in the Southern District of New York and elsewhere, ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," and JERMAL REGULAR, a/k/a "Gregory Keathley," the defendants, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the

accounts of which are insured by the National Credit Union Shared Insurance Fund, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution by means of false and fraudulent pretenses, representations, and promises, to wit, SHINABA and REGULAR fraudulently obtained funds from the NorthWest Federal Credit Union by depositing an altered check into an account they controlled at NorthWest Federal Credit Union account ("Account-2") and withdrawing funds from Account-2.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT FIVE

The Grand Jury further charges:

8. From on or about September 8, 2007, up to and including on or about November 16, 2007, in the Southern District of New York and elsewhere, ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, means of identification of another person, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constitutes a violation of Federal law and that constitutes a felony under State and local law, to wit, SHINABA opened Account-2 with the NorthWest Federal Credit Union using the name and Social Security Number of a person other than himself for the purpose of defrauding NorthWest Federal Credit Union.

(Title 18, United States Code, Sections 1028(a)(7) and (c)(3).)

COUNT SIX

The Grand Jury further charges:

9. From on or about September 8, 2007, up to and including on or about November 16, 2007, in the Southern District of New York and elsewhere, ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, SHINABA used the name and Social Security Number of another person to commit the bank fraud charged in Count Four of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

COUNT SEVEN

The Grand Jury further charges:

10. From on or about September 14, 2005, up to and including on or about February 17, 2006, in the Southern District of New York and elsewhere, JERMAL REGULAR, a/k/a "Gregory Keathley," the defendant, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such

financial institution by means of false and fraudulent pretenses, representations, and promises, to wit, REGULAR fraudulently obtained funds from TD Banknorth by depositing an altered check into a bank account he controlled at TD Banknorth ("Account-3") and withdrawing funds from Account-3.

(Title 18, United States Code, Section 1344.)

COUNT EIGHT

The Grand Jury further charges:

11. From on or about September 14, 2005, up to and including on or about February 17, 2006, in the Southern District of New York and elsewhere, JERMAL REGULAR, a/k/a "Gregory Keathley," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, means of identification of another person, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constitutes a violation of Federal law and that constitutes a felony under State and local law, to wit, REGULAR opened Account-3 with TD Banknorth using the name and Social Security Number of a person other than himself for the purpose of defrauding TD Banknorth.

(Title 18, United States Code, Sections 1028(a)(7) and (c)(3).)

COUNT NINE

The Grand Jury further charges:

12. From on or about September 14, 2005, up to and including on or about February 17, 2006, in the Southern District

of New York and elsewhere, JERMAL REGULAR, a/k/a "Gregory Keathley," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, REGULAR used the name and Social Security Number of another person, namely Victim-4, to commit the bank fraud charged in Count Seven of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATIONS

The Grand Jury further charges:

13. As a result of committing the offenses alleged in Counts One through and Six, ROSHEED SHINABA, a/k/a "Richard Shinaba," a/k/a "Jose Garcia," a/k/a "Lee Pinto," the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged herein, to wit making false statements to a financial institution.

14. As a result of committing the offenses alleged in Counts One, Two, Four, Seven, Eight, and Nine, JERMAL REGULAR, a/k/a "Gregory Keathley," the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged herein, to wit making false statements to a



financial institution.

Substitute Asset Provision

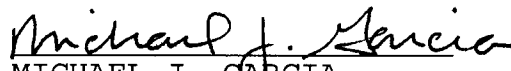
14. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,  
Title 28, United States Code, Section 2461, and  
Title 18, United States Code, Section 1344.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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INDICTMENT

08 Cr.

(18 U.S.C. §§ 371, 1344,  
1028(a)(7), 1028A)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

*Angela L. Levin*

Foreperson.

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*Indictment filed, case assigned  
to Judge Buchwald.*

*F. Maas, USAT*

*KC  
7/23/08*